

**PECKAR & ABRAMSON, P.C.**

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Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

EARLE REFINING, LLC,

Plaintiff,

vs.

NEW VACUUM TECHNOLOGIES LLC and  
NORTH JERSEY PETROLEUM  
OPERATIONS, LLC,

Defendants.

Case No. 3:22-cv-04469-GC

ECF CASE – Electronically Filed

**NOTICE OF MOTION TO STAY  
THE ACTION OR IN THE  
ALTERNATIVE TO DISMISS THE  
COMPLAINT FOR FAILURE TO  
JOIN INDISPENSABLE PARTIES**

**PLEASE TAKE NOTICE** that, upon the Complaint, the Declaration of Kevin J. O'Connor, Esq., with exhibits, the prior filed Declaration of Joseph Laura, with exhibits attached thereto, and the accompanying Memorandum of Law in Support of Motion, Defendants New Vacuum Technologies, LLC ("NVT") and North Jersey Petroleum Operations, LLC ("NJPO" and, with NVT, collectively ("Defendants")), by their attorneys, Peckar & Abramson, P.C., will move this Court, at the United States District Court, 402 East State Street Office Room 2020, Trenton, New Jersey 08608, before the Honorable Robert Kirsch, U.S.D.J., on June 20, 2023, for an Order staying the Complaint pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1 *et seq.* ("FAA") for a period of ninety (90) days or in the alternative dismissing the Complaint for failure to join indispensable parties.

**PLEASE TAKE FURTHER NOTICE** that answering and reply papers to this motion shall be served in accordance with Local Rule 7.1 of this Court.

LAW OFFICES

**Peckar &  
Abramson**

A Professional Corporation

Dated: May 19, 2023

PECKAR & ABRAMSON, P.C.

By: /s/ Kevin J. O'Connor  
KEVIN J. O'CONNOR, ESQ.  
70 Grand Avenue  
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201-343-3434  
*Attorneys for Defendants*

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**DECLARATION OF SERVICE**

I state upon penalty of perjury that on May 19, 2023, a true and correct copy of the within Notice of Motion with accompanying documentation was served by ECF.

Dated: May 19, 2023

PECKAR & ABRAMSON, P.C.

By: /s/ Kevin J. O'Connor  
KEVIN J. O'CONNOR, ESQ.  
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